

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Thursday, January 21, 2016**  
**9:30 A.M.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: January 8, 2016**

**RE: Closed Session of the Board to be held on January 21, 2016**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. DAVEY TREE SURGERY CO., 13-R2D3-1018 THROUGH 1021
2. MORROW-MEADOWS CORPORATION-12-R4D1-0717 THROUGH 0719

**PETITIONS FOR RECONSIDERATION:**

None

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

None

**ORDERS DISMISSING APPEAL:**

1. GARY BOTHUN DBA BOTHUN TURKEY FARM, 15-R2D4-0137
2. DAVID DORNAN DBA ALBORZ RESTAURANT, 15-R1D4-0354
3. MARCO VELASQUEZ-MENDOZA DBA ORNAMENTAL IRON PROS, 15-R6D5-2718 AND 2719

**MATTERS INVOLVING LATE APPEALS:**

*(These are matters such as orders dismissing appeal, orders granting leave to file late appeal and orders denying leave to file late appeal)*

**ORDER DENYING LATE APPEAL**

None

**ORDER GRANTING LATE APPEAL**

1. A & B FIRE PROTECTION AND SAFETY, INC., 15-R6D7-4689 THROUGH 4691

**ORDERS AFTER REMAND**

1. GOLDEN STATE WARRIORS, 15-R1D4-4454 AND 4455

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. ACTION METAL RECYCLING, INC., R2D2-1125 THROUGH 1126
2. BURTECH PIPELINE, INC., 13-R3D2-0830 AND 0831
3. CALSTRIP STEEL CORPORATION, 12-R3D6-1998 & 1999
4. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038

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5. CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364
6. EKEDAL CONCRETE, INC., 13-R3D1-0131 THROUGH 0133
7. EMPLOYER SOLUTIONS STAFFING GROUP II, LLC, 12-R3D6-3207
8. FASTEMPS INC., 12-R3D6-3208
9. HERMAN WEISSKER, INC., 13-R3D1-3279
10. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
11. McCARTHY BUILDING CO., INC., 12-R1D4-3458
12. MCM CONSTRUCTION, INC., 13-R1D2-3851 THROUGH 3854
13. MDB MANAGEMENT INC., 14-R4D1-2373 AND 2374
14. OC COMMUNICATIONS, 14-R2D2-0120, 0166 and 0340
15. SIERRA FOREST PRODUCTS, 09-R2D5-3979
16. SHIMMICK CONSTRUCTION CO., INC/OBAYASHI CORP., 11-R3D1-2562  
THROUGH 2570
17. W.A. RASIC CONSTRUCTION, INC., 13-R3D1-2952

**LEGISLATION:**

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)

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3. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
4. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
5. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
6. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
7. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
8. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
9. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
10. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
11. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
12. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
13. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
14. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
15. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
16. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
17. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
18. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
19. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
20. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817 (09-R6D2-2238 ~ 2241)
21. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
22. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)

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23. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360 THROUGH 3362)
24. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
25. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)
26. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL (14-R3D2-1935 & 1936)
27. HHS CONSTRUCTION, 34-2015-80002052 (12-R3D2-0492 THROUGH 0497)
28. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR, 15CV-00945 (08-R2D1-3093 ~ 3098)
29. STANISLAUS FOOD PRODUCTS CO., 34-2015-80002087 (13-R2D4-0572 ~ 0574)
30. OLDCASTLE PRECAST, INC., 34-2015-80002167 (13-R3D3-0583)
31. SHIMMICK CONSTRUCTION CO., INC./OBAYASHI CORP., 34-2015-80002204 (12-R3D1-0781)
32. CHARLES PANKOW BUILDERS, LTD., 34-2015-8000221 (13-R4D1-1759)
33. NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-0391
34. TRI STATE STAFFING, 12-R6D2-0378
35. CHEVRON U.S.A., N15-2013 (13-R6D3-0655 THROUGH 0662)
36. T & R CONSTRUCTION GROUP, BS159712 (14-R4D3-4120 & 4121)

**APPELLATE COURT:**

1. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191 THROUGH 1193)
2. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
3. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456 (11-R2D1-2217 ~ 2219)
4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, C078953, 34-2011-80000965, (10-R6D2-0188 THROUGH 0191)

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. AMERICAN CARPORTS INC, 15-R2D3-4384 THROUGH 4386
2. ANDY'S PRECISION SEAL & STRIPE, INC. DBA APSS, INC., 15-R4D1-2578 THROUGH 2580
3. BLUE STAR GAS, 15-R2D3-4364
4. BROTHERS NURSERY INC., 15-R6D2-3006
5. CERTIFIED ALLOY PRODUCTS, INC., 15-R3D5-0050 THROUGH 0052
6. CHINO AUTO REPAIR, LLC., 15-R6D5-4503 AND 4504
7. CITY OF STOCKTON, DEPT OF MUNICIPAL UTILITIES, 15-R2D4-1311
8. C & K MARKET, INC., 15-R2D1-2464 THROUGH 2466
9. CLEVELAND WRECKING COMPANY, 15-R3D2-2147
10. CONTECH ENGINEERED SOLUTIONS LLC, 15-R2D3-4512
11. CONTRACT SERVICES GROUP, 15-R3D5-2703
12. COUNTRY SWEET PRODUCE, INC., 15-R6D5-4175 THROUGH 4177
13. DATKAM CONSTRUCTION, INC., 15-R6D5-3782 THROUGH 3785
14. DAY-LITE MAINTENANCE COMPANY INC., 14-R3D3-1825 THROUGH 1828
15. DIDAR SINGH BAINS, 15-R2D1-3489
16. DONALD P DICK AIR CONDITIONING, INC., 15-R6D5-1856 AND 1857
17. FOOK WONG PAINTING INC, 15-R1D4-1067 THROUGH 1070
18. FUTURE PLASTERING, INC., 15-R2D1-2355
19. GERARDO RAMIREZ CHAVEZ, 15-R1D4-2349 THROUGH 2352
20. GORDON HAY, INC., 15-R4D4-2441
21. HARA NO SHITA DE HOLDINGS, LLC. DBA UNDERBELLY, 15-R3D2-2455 AND 2456

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22. JACKSON PROPERTIES, INC. DBA JACKSON CONSTRUCTION, 15-R2D1-2638
23. J.M. CABINETS, INC., 15-R6D1-1650
24. KENT'S MEATS & GROCERIES, 15-R2D3-4387 AND 4388
25. KIM WONG PLUMBING, INC., 15-R4D4-2329 THROUGH 2331
26. LIBERTY GLASS FABRICATORS INC, 15-R3D3-4225 THROUGH 4229
27. MATSUDA'S BY GREEN ACRES LLC, 15-R6D1-1977
28. PATRICIA MELENDREZ DBA BEST CUSTOM LABOR, 14-R1D2-1166 AND 1167
29. MEMO'S FARM LABOR SERVICES, INC, 15-R2D5-4045
30. MOTIVE SYSTEMS ENGINEERING CORP DBA STROPPINI ENTERPRISES,  
15-R2D1-4210
31. MUSE CONCRETE CONTRACTORS INC, 15-R2D3-4211
32. NAZARIO DOMINGUEZ-TRUJILLO DBA DOMINGUEZ FARMS, 15-R1D2-3047  
AND 3048
33. NAZARIO DOMINGUEZ-TRUJILLO DBA DOMINGUEZ FARMS,  
15-R1D2-3049 AND 3050
34. OLDCASTLE PRECAST, INC., 15-R2D4-0955
35. OMEGA EXTRUDING CORP OF CALIFORNIA, 15-R4D4-3128 THROUGH 3135
36. DALE OWENS DBA OWENS TREE SERVICE, 15-R2D1-2975 AND 2976
37. PALMS AT INDIAN HEAD, INC., 15-R3D2-2265 THROUGH 2267
38. PARAMOUNT PICTURES, 15-R4D1-4479
39. PHILLIPS 66, 15-R7D1-2430
40. HUGO AIDAIL QUEVEDO SR DBA QUEVEDO TRUCKING, 15-R3D3-4243
41. RECALL TOTAL INFORMATION MANAGEMENT, INC., 15-R1D4-4532  
THROUGH 4533
42. REED PAINTING INC., 15-R2D3-3718 AND 3719
43. R L HAVENS CONSTRUCTION, 15-R1D4-3740
44. SAN BERNARDINO CITY USD – ARROYO VALLEY HIGH SCHOOL, 15-R3D3-4473

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45. SANSON TIRES, 15-R4D7-1078 THROUGH 1080
46. SIERRA PACIFIC INDUSTRIES, 15-R2D3-3689
47. SINGH TRUCK SERVICES, LLC. DBA IMPERIAL TRUCK WASH AND REPAIR, 15-R6D5-4068 THROUGH 4071
48. SOLAR SERVICE CENTER INC DBA SOLAR ELECTRIC SERVICE CENTER INC., 14-R3D3-1222 THROUGH 1225
49. SUNPOL RESINS AND POLYMERS, INC., 15-R1D5-4323
50. TALCO PLASTICS, INC., 15-R3D5-3146
51. TEC EQUIPMENT, INC. DBA TEC OF CALIFORNIA, INC., 15-R1D4-4619
52. T. E. ROBERTS INCORPORATED, 15-R4D4-2027
53. TUBE-TAINER, INC., 15-R4D4-3610 THROUGH 3612
54. VALLEY FARM MANAGEMENT, INC., 15-R1D2-3043 AND 3044
55. VALLEY FARM MANAGEMENT, INC., 15-R1D2-3045 AND 3046
56. VONS, A SAFEWAY COMPANY – DISTRIBUTION CENTER, 15-R7D2-1536
57. WELCOME MARKET, INC. DBA 99 RANCH MARKET, 15-R1D4-3959 THROUGH 3964
58. WESTERN ENGINEERING CONTRACTORS, INC, 15-R2D1-4093
59. WMJ FARMS, INC., 15-R2D5-4191 THROUGH 4193
60. ZANKER ROAD RESOURCE MANAGEMENT, LTD., A CALIFORNIA LIMITED PARTNERSHIP DBA ZERO WASTE ENERGY DEVELOPMENT CO., 15-R7D1-2967 AND 2968

**PERSONNEL:**

*(Issues regarding staff.)*

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.